

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: TESTOSTERONE REPLACEMENT THERAPY PRODUCTS LIABILITY LITIGATION MDL 2545

Master Docket Case No. 1:14-cv-01748

This Document Relates to:

Honorable Matthew F. Kennelly

Kindred Brunson v. AbbVie Inc., et al.
Case No: 1:16-cv-00780

**ACTAVIS DEFENDANTS STATUS
REPORT REGARDING PLAINTIFFS'
COMPLIANCE WITH CASE
MANAGEMENT ORDER NO. 163**

Vito DiGiovanni v. Actavis, Inc., et al.
Case No: 1:16-cv-03131

Estate of William Holland v. AbbVie Inc., et al.
Case No.: 1:18-cv-03241

Danny Jackson v. Actavis, Inc., et al.
Case No: 1:15-cv-11864

Roald Johnson v. Actavis, Inc., et al.
Case No: 1:16-cv-03117

Ronald MacNeil v. AbbVie Inc., et al.
Case No: 1:18-cv-03251

Gary Nash v. Auxilium Pharmaceuticals, Inc., et al.
Case No: 1:16-cv-00731

As directed by the Court in Case Management Order No. 163 (Order to Show Cause Why

Cases Should Not Be Dismissed with Prejudice for Failure to Comply with Case Management Order No. 144) (hereinafter “CMO 163”), counsel for the Actavis, Inc., Actavis Pharma, Inc., Actavis Laboratories UT, Inc., and Anda, Inc. (hereinafter “Actavis Defendants”), hereby files this

Status Report and provides the Court the following updates with respect to each case subject to the show cause order entered pursuant to CMO 163:

I. CASES DISMISSED WITH PREJUDICE

Plaintiffs in the following cases subject to CMO 163 have filed stipulations of dismissal of the appropriate Actavis Defendants with prejudice in accordance with the directives of CMO 163:

Estate of William Holland v. AbbVie Inc., et al., Case No: 1:18-cv-03241

Ronald MacNeil v. AbbVie Inc., et al., Case No: 1:18-cv-03251

II. CASES IN WHICH A RESPONSE TO CMO 163 ORDER TO SHOW CAUSE HAS BEEN FILED

On November 27, 2019, counsel for plaintiff Danny Jackson filed a response to CMO 163 on the docket in Case No. 15-cv-11864 (Dkt. No. 19). That response states that plaintiff Danny Jackson has died, and counsel for plaintiff has not been retained by an heir of decedent to continue to pursue the case. As such, counsel for plaintiff asserts that they cannot comply with the obligations of Case Management Order No. 144. Counsel for plaintiff has not filed a motion to dismiss or requested that parties enter into a stipulation of dismissal.

Actavis Defendants' request that the Court now dismiss Case No. 15-cv-11864 pursuant to Fed. R. Civ. P. 25(a)(1). A Statement Noting a Party's Death was filed in the case on December 14, 2018 (Dkt. No. 14). No motion for substitution has been filed in the case. As such, the case must be dismissed pursuant to the requirements of Fed. R. Civ. P. 25(a)(1). Actavis Defendants are filing a motion to dismiss Case No. 15-cv-11864 on the individual docket in that matter concurrently herewith.

III. CASES IN WHICH NO RESPONSE TO CMO 163 AND NO SHOWING OF CAUSE FOR FAILURE TO COMPLY WITH CMO 144 HAS BEEN FILED

As of December 9, 2019, the following Plaintiffs in pending cases subject to CMO 163 have not filed a showing of cause in writing as to why their case should not be dismissed pursuant

to CMO 144, paragraph B.11, for failure to comply with the CMO 144 obligations of paragraphs B.9 and B.10:

Kindred Brunson v. AbbVie Inc., et al., Case No: 1:16-cv-00780

Vito DiGiovanni v. Actavis, Inc., et al., Case No: 1:16-cv-03131

Roald Johnson v. Actavis, Inc., et al., Case No: 1:16-cv-03117

Gary Nash v. Auxilium Pharmaceuticals, Inc., et al., Case No: 1:16-cv-00731

Plaintiffs' counsel in the *Brunson* and *Nash* cases have filed a Notice of Compliance with CMO 163 in the individual case docket, affirming that their clients have been advised in writing of CMO 163, as directed by the Court. A Notice of Compliance with CMO 163 has not been filed in the *DiGiovanni* or *Johnson* cases.

Additionally, plaintiff's counsel in the *Brunson* and *Nash* cases filed motions to withdraw as counsel for plaintiff on November 15, 2019, after the Court issued CMO 163 and its Order to Show Cause for Failure to Comply with CMO 144. Those motions were entered and continued by Order of the Court on November 23, 2019.

Respectfully submitted,

/s/ Jeffrey D. Geoppinger

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CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2019, the foregoing document was filed via the Court's CM/ECF system, which will automatically serve and send email notification of such filing to all registered attorneys of record.

/s/ Jeffrey D. Geoppinger